

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF FEBRUARY 24, 2003

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 24TH DAY OF FEBRUARY, 2003, BEGINNING AT 7:00 P.M. IN THE BOARD ROOM OF THE KING WILLIAM COUNTY ADMINISTRATON BUILDING AT KING WILLIAM COURTHOUSE, ORDER WAS CALLED WITH THE FOLLOWING PRESENT:

L. E. BYRUM, JR., CHAIRMAN
C. T. REDD, III, VICE-CHAIRMAN
R. S. DIGGS
E. P. STEROWSKI
D. L. WRIGHT

L. M. CHENAULT, COUNTY ATTORNEY
FRANK A. PLEVA, COUNTY ADMINISTRATOR

RE: APPROVAL OF MEETING AGENDA

On motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with one addition and one deletion – added #h to Item 6, Consent Agenda – Appointment of Lewis Heath as Designated Agent for the Virginia Emergency Management Domestic Preparedness Program, and deleted - Adoption of Resolution in Support of the Dry Well Replacement Program, under Item 6d, Consent Agenda.

RE: PUBLIC COMMENT PERIOD – SPEAKERS: ONE OPPORTUNITY OF 3 MINUTES PER INDIVIDUAL OR 5 MINUTES PER GROUP ON NON-PUBLIC HEARING MATTERS

No one appeared to speak.

RE: CONSENT AGENDA

On motion by R. S. Diggs, seconded by D. L. Wright and carried unanimously, the Board approved the following items on its consent agenda:

a. Minutes of the regular meeting of January 27, 2003, with one change as noted by L. M. Chenault, County Attorney on the topic of “Circuit Court Clerk – Discussion of Public Records on Internet”. Mr. Chenault indicated that his statement in the Board’s January 27, 2003, meeting minutes – page 6, paragraph 2, regarding the Circuit Court Clerk being allowed to remove Social Security numbers from any documents – should reflect the following: “There is a section in the Code of Virginia, Section 32.1-267(f) (*not Section 37, as was written*), which says Clerks are to remove Social Security numbers from marriage licenses (*not divorce papers, as was written*), but they cannot, and should not, remove Social Security numbers from any other documents.”

b. Claims against the County for February, 2003, in the amount of \$1,273,122.94 as follows:

(1) General Fund Warrants #52948-53124 and manual checks #13939-13941 in the amounts of \$1,055,316.53 and \$35,155.19; Direct Deposits \$4399-4491 in the amount of \$136,647.80; and Electronic Tax Payment in the amount of \$46,003.42

(2) For informational purposes, Social Services expenditures for the month of January, 2003, Warrants #302221-302290 in the amount of \$30,775.48; Direct Deposits #733-747 in the amount of \$19,973.50; and Electronic Tax Payment in the amount of \$7,414.95

(3) For informational purposes, Circuit Court expenditures for the month of January, 2003, Warrants #52937-52946 in the amount of \$6,199.13; and Direct Deposits #69-71 in the amount of \$6,592.22

(4) For informational purposes, Comprehensive Services Act Fund expenditures for January, 2003, Warrants #52923-52935 in the amount of \$22,735.56

(5) There were no Tax Refunds for the month of January, 2003.

c. Adopted the following resolution proclaiming April, 2003, as National Arts Month in King William County:

**RESOLUTION PROCLAIMING APRIL, 2003, AS NATIONAL ARTS
MONTH IN KING WILLIAM COUNTY, VIRGINIA**

WHEREAS, the arts play an important role in our daily lives, providing us with enrichment and opportunities for creative expression; and,

WHEREAS, the National Arts Program is designed to give individuals a forum to showcase and develop their talent as well as to expose art to a greater number of people; and,

WHEREAS, for the second year, Virginia's Middle Peninsula has been accepted into the National Arts Program, which will provide support for activities throughout our region; and,

WHEREAS, a regional exhibit is planned which will showcase local talent in various locations throughout the Middle Peninsula.

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors does hereby proclaim the month of April, 2003, as National Arts Month in King William County.

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors encourages its citizens to submit original artwork and visit the traveling art exhibit as a way of supporting the development of the arts in our region.

d. Adopted the following resolution supporting the Mt. Olive Community Improvement Project:

RESOLUTION OF SUPPORT

WHEREAS, Community Development Block Grant Funds are made available by the Virginia Department of Housing and Community Development for certain competitive comprehensive housing and community development projects; and,

WHEREAS, King William County wishes to apply for said funds; and,

WHEREAS, a need has been identified in the **Greater Mount Olive Community** of King William County, in which these funds could be used; and,

WHEREAS, it is the intent of the King William County Board of Supervisors to address the

needs in the **Lower or Southern Mount Olive Area** first, through the Mount Olive Comprehensive Community Development Project, Phase One, and then, through a second construction phase, address the needs in the **Upper or Northern Mount Olive (also known as Palls) Area**; and,

WHEREAS, through this Project, sanitary water and sewer and housing rehabilitation will be made available to households in at least 37 of the 50 currently occupied houses; and,

WHEREAS, **\$75,000** in local funds and in-kind services is being dedicated to this Project, and requests are being made for **\$500,000** in Indoor Plumbing Rehabilitation Funds, and for **\$112,500** from the Southeast Rural Community Assistance Project, Inc.; and,

WHEREAS, additional funding will be necessary to make the Project feasible.

NOW, THEREFORE, BE IT RESOLVED, by the King William County Board of Supervisors that King William County wishes to apply for a Comprehensive Community Development Grant totaling \$1,400,000 (including funds to be used through Self-Help Virginia); and,

BE IT FURTHER RESOLVED, that the County Administrator is hereby authorized to sign and submit the appropriate application documents seeking funding through the Virginia Community Development Block Grant Program.

e. Authorized advertisement of a public hearing to be held during the Board's March 24, 2003, meeting to consider a boundary line adjustment on a publicly held property, the Deaton Tract, owned by King William County. Said meeting will begin at 7:00 p.m. in the Board Room of the County Administration Building.

f. Authorized advertisement of a public hearing to be held during the Board's March 24, 2003, meeting to consider the proposed 2004 update of the King William County Capital Improvements Program.

g. Authorized advertisement of a public hearing to be held during the Board's March 24, 2003, meeting to consider Zoning Case #CUP-01-03, Request for Conditional Use Permit to Construct 36 Multi-Family Units, Applicant: Fidelity Management Group

h. Appointed Lewis Health to serve as the Designated Agent for the Virginia Emergency Management Domestic Preparedness Program

RE: VDOT MATTERS – CHARLIE STUNKLE, RESIDENT ENGINEER

a. **Adoption of Resolution – West Point Road Abandonment** - On motion by C. T. Redd, III, seconded by R. S. Diggs and carried unanimously, the Board adopted the following resolution concerning sections 3 and 5 of Route 33 being added to the Virginia Department of Transportation secondary system of state highways and abandoning Section 4 from the primary system of state highways due to new construction alignment.

**PROJECT ADJUSTMENTS INVOLVING ADDITION, DISCONTINUANCE
AND/OR ABANDONMENT**

RESOLUTION

WHEREAS, the Virginia Department of Transportation has constructed Route 33 on a new alignment under Projects 18 CR-2, 18 B-2, 559 AR-1, and 559 M-1; and,

WHEREAS, the project sketch, attached and incorporated herein as a part of this resolution, defines adjustments required in the secondary system of state highways as a result of that

construction; and,

WHEREAS, the new road serves the same citizens as served by those portions of old road identified in the project sketch to be abandoned, which portions no longer serve a public need; and,

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add Section 5 to the secondary system of state highways, pursuant to Section 33.1-229 of the Code of Virginia, for which section this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills and drainage; and,

BE IT FURTHER RESOLVED, that this Board hereby requests the Virginia Department of Transportation to abandon Section 4 from the primary system of state highways, pursuant to Section 33.1-155 of the Code of Virginia; and,

BE IT FURTHER RESOLVED, that this Board requests the Virginia Department of Transportation to transfer Section 3 from the primary system to the secondary system pursuant to Section 33.1-35 of the Code of Virginia; and,

BE IT FINALLY RESOLVED, that this Board orders a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

b. Route 662 – Sharon Road – Guard Rail - Mr. Stunkle reported that when the contractor came out to stake this area, it was discovered that underground utilities are in conflict, so now VDOT is waiting to get those moved so the guard rail can be installed.

c. Placement of Rumble Strips at Intersection of Routes 606 and 611 - At the last Board meeting the placement of rumble strips at the intersection of Routes 606 and 611 was requested, however, VDOT has determined that since the sight distance is so good at this intersection, they would like to take an intermediate step before putting in the rumble strips. VDOT plans to put in a stop bar on the pavement at this intersection. There is also a “Stop Ahead” sign at this location.

d. Reminder of Preallocation Hearing on Primary, Interstate and Urban Improvements - Mr. Stunkle reminded the Board of the Preallocation Hearing to be held on February 25, 2003, in Saluda, on primary, interstate, and urban improvements. He encouraged participation by the County at this hearing even though it is not anticipated at this time to be able to add many new projects to Six Year Plan, but it is important for localities to make their long range transportation needs known to the Commonwealth Transportation Board and to VDOT management for times when funds will be more available. Further, Mr. Stunkle indicated that in past years, King William County representatives at this hearing, have discussed improvements to Route 30, and the possibility of at least VDOT performing a corridor study to identify what the ultimate roadway should look like for the County’s planning purposes. Mr. Stunkle suggested that the County continue to make their wishes known at this preallocation hearing.

e. Route 360 & Route 30 Intersection at Central Garage - The County Administrator questioned Mr. Stunkle regarding any type of planned improvements VDOT might have for improvements at the Route 360 and Route 30 intersection, and whether or not this would be included as part of the Primary, Interstate and Urban Improvements Preallocation Hearing. Mr.

Stunkle indicated that this would be a VDOT safety project, but it would still have to be programmed in as part of the primary improvements. He indicated that this should be discussed at the preallocation hearing and the request made that a study be done in terms of the need for additional lanes or other improvements, due to increased traffic because of development in this area, and also of the anticipation of even more of an increase to come. If a corridor study is done, it may be determined that a divided section of roadway is needed at this intersection.

f. Magnolia Avenue in Town of West Point - C. T. Redd, III discussed with Mr. Stunkle rumble strips on Mangolia Avenue in the area coming from Route 30 and heading to the school. Mr. Redd indicated that rumble strips used to be on this section of roadway, but probably due to several overlays, they are no longer there, and requested that for safety reasons, they be replaced.

g. Route 600 - L. E. Byrum, Jr. requested a speed study be performed on Route 600 to possibly lower the speed limit from 55 MPH to 45 MPH beginning at the intersection with Route 607 and extending for one mile west, and the relocation of a "School Bus Stop" sign to the corner of Route 600 and Route 607. Mr. Byrum advised that this request is from a concerned citizen. Mr. Stunkle questioned whether or not this is a situation where the bus stop has actually changed, and the County Administrator responded that that was his understanding. Mr. Stunkle indicated he would communicate with the School Board Transportation Director, and also request that the speed study be initiated.

h. Route 605 - L. E. Byrum, Jr. reported that he has been in contact with residents along Route 605 regarding the amount of accumulated litter there, and asked Mr. Stunkle about the possibility of VDOT cleaning up the area. Mr. Stunkle provided the name of a contact person at VDOT who is in charge of the "Adopt a Highway" program, and suggested that anyone desiring to adopt Route 605 for litter pickup to contact this individual.

i. Route 30 – Hazards Created by the Increased Flow of Heavy Truck Traffic - Chairman, L. E. Byrum, Jr. indicated that several citizens and the Board of Supervisors have expressed concerns regarding traffic safety on Route 30. These citizens and Board members have inquired as to what might be done to lessen the traffic hazards associated with increasingly heavy truck traffic on Route 30. He noted that the matter should be referred to the King William County Transportation Safety Commission for study and for the formulation of recommendations.

In a meeting of the Board of Supervisors held on March 26, 1985, the King William County Planning Commission was approved to also serve in the capacity of the Transportation Safety Commission for the County.

On motion by R. S. Diggs, seconded by D. L. Wright and carried unanimously, the Board referred this matter to the King William County Transportation Safety Commission/Planning Commission for study and a report back to the Board at a later date. This referral is with the understanding that it is to be studied after the completion of the review of the Comprehensive

Plan, now underway by the Planning Commission.

RE: RAPPAHANNOCK COMMUNITY COLLEGE – PRESENTATION OF ANNUAL REPORT – DR. NORMAN SCOTT, PRESIDENT

Dr. Norman Scott, President of Rappahannock Community College, updated the Board on enrollment at RCC of King William County residents and on other activities provided by the College from which County residents can benefit.

In addition, Dr. Scott indicated that the College has had a banner year, and thanked the Board for its continued support.

RE: UPDATE OF COUNTY PROJECTS & ACTIVITIES – FRANK A. PLEVA, COUNTY ADMINISTRATOR

a. Courts Facility Project - The County Administrator updated the Board on the status of construction indicating that the building pad is just about ready for its final grading. Foundation concrete placement and associated below slab utility work will soon begin, and that the structural steel columns and beams, and decking have been delivered to the site.

b. Animal Shelter – Comments are still to be forthcoming from the State Veterinary Office on the building plans. Once these comments are in hand, the Request for Proposals will be put out.

c. Regional Airport - The Authority is now preparing to advertise for résumés or applications for the position of manager of the facility.

d. Mt. Olive Community Improvement Project - The next management team meeting on this project will be held on March 6, 2003.

e. Dry Well Replacement Program - Bay Agency on Aging is serving as administrator for this program and all applications are being referred to them.

RE: CORRECTION OF OMISSION FROM THE MINUTES OF THE DECEMBER 16, 2003, BOARD OF SUPERVISORS MEETING UNDER TOPIC “PUBLIC COMMENT PERIOD”
NEAR END OF MEETING

Frank Pleva, County Administrator, noted an omission in the December 16, 2003, Board minutes from “Public Comment Period” regarding the issue of the Circuit Court records being posted on the Internet. Several people addressed the Board with comments about this issue, and the synopsis - which the minutes are, they are not verbatim – did not note all of the people who commented. He suggested that the Board direct the staff to amend the December 16, 2003, minutes to reflect the summary of these comments. Mr. Pleva clarified that these comments do not reflect any action taken by the Board at the December 16th meeting.

RE: APPOINTMENTS

a. MP Disability Services Board – One Member – Two Year Term - Action on this appointment was tabled until the Board’s March meeting.

RE: KING WILLIAM CO. VOL. FIRE DEPT. & RESCUE SQUAD, INC. – REQUEST FOR

ADDITIONAL CAPITAL FUNDS TO PURCHASE A NEW AMBULANCE

The County Administrator made the Board aware that the King William Co. Volunteer Fire Department and Rescue Squad, Inc. is applying for a state grant to purchase a \$77,000.00 ambulance. There is a 50% match, or \$38,500.00 in this grant, and the Department is asking that the Board of Supervisors approve up to \$22,000 to assist them in the local or non-state share of the grant application. Mr. Pleva further reported that this grant has a deadline of June 1, by which the Department has to acquire the ambulance and be reimbursed by the Commonwealth.

The Board discussed this request and determined that in the past, County funding has been for operational costs and not capital costs of the fire and rescue departments. It was the general consensus of the Board to look at this request again during the Board's upcoming budget process, but with no promise attached.

RE: PUBLIC COMMENT PERIOD –SPEAKERS: ONE OPPORTUNITY OF 3 MINUTES PER INDIVIDUAL OR 5 MINUTES PER GROUP ON NON-PUBLIC HEARING MATTERS

a. Ms. B. J. Ostergren, a resident of Hanover County, expressed her disappointment that the Board's minutes of the December 16, 2002, meeting did not include her as speaking in the "Public Comment Period" near the end of the meeting regarding the topic "Circuit Court Records on the Internet" and thanked the Board for earlier tonight correcting those minutes to reflect her statements. She indicated that "after all, she did drive an hour to get here to present this information to the Board, and when she read those minutes and didn't see her name, she was a bit disappointed".

In addition, Ms. Ostergren corrected a statement made by County Attorney, L. M. Chenault recorded in the January 27, 2003, Board minutes regarding the misstated Section of the State Code concerning a Circuit Court Clerk's authorization to remove Social Security numbers from marriage licenses, but not from any other documents. She indicated the correct Code Section is 32.1-267(f).

Further, Ms. Ostergren presented a copy of Virginia Code Section 32.1-267 to the Board and referred to paragraph (f) which gives Circuit Court Clerks the authority to block Social Security numbers from marriage licenses. She also presented and reviewed an Attorney General's Opinion issued to the Circuit Court Clerk of Bedford County in March, 2002, pertaining to blocking Social Security numbers on marriage licenses, and the Opinion indicated the Bedford Clerk should block them all the way back to when they started to be required, which was July 1, 1997. Ms. Ostergren stated that this Attorney General's Opinion deals with the biggest issue she uncovered when she first got into the King William records back in October, 2002.

Lastly, Ms. Ostergren thanked the Board for allowing her time to speak because she feels this is really important, and that she has helped the County by bringing this to the Board's attention.

b. Leon Brooks, a resident of 767 Mt. Olive/Cohoke Road in the Second Election District, appeared to bring to the attention of the Board the fact that last week he attended a meeting of the State Board of Social Services, and he learned that when the Governor signs the Budget in May, it shows that there is \$250,000.00 going to public transportation in the City of Richmond, and \$400,000.00 going to VCU to do a special study on family services. Mr. Brooks felt that if that kind of money is available, maybe King William County could get some of it to purchase the new ambulance for King William County Vol. Fire & Rescue Squad, Inc. and maybe a committee should be formed to look into the new state budget to be signed by the Governor in May.

RE: BOARD OF SUPERVISORS' COMMENTS

D. L. Wright indicated he was pleased with the successful turnout of senior citizens at the recent AARP Alert System meeting. At this meeting, a citizen questioned him about a Disaster Plan for King William County, that would inform people what to do in case of an emergency such as a hurricane, a tornado, etc.

The County Administrator responded that the County has had a Hurricane Safety Plan in place for quite a few years, and that in March, 2003, an overview of that Plan will be presented to the Board and the public. In addition, Lewis Heath, Public Safety Coordinator for the County, will conduct at least one public meeting that will be advertised, and will give more detail on the Plan and safety issues.

E. P. Sterowski thanked Ms. B. J. Ostergren for bringing the issue concerning identity theft to the County. In addition, Mr. Sterowski stated that Sheriff Walton is conducting a seminar on Identify Theft at the Pamunkey Library Branch located at Central Garage in March, and suggested that the newspapers carry information regarding this seminar.

L. E. Byrum, Jr. commended Leon Custalow and the local VDOT staff on the excellent job done recently in clearing the roadways during the snow storms.

RE: ADJOURNMENT

There being no further business to come before this Board on motion by C. T. Redd, III, seconded by D. L. Wright and carried unanimously, the meeting was adjourned.

COPY TESTE:

L. E. Byrum, Jr.
Chairman

Frank A. Pleva
County Administrator